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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,120	12/28/2000	Dean A. Seifert	WEST 0103 PUS	6714
22045	7590	12/10/2007		
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER KAZIMI, HANI M	
			ART UNIT 3691	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/751,120

Applicant(s)

SEIFERT ET AL.

Examiner

Hani Kazimi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This communication is in response to applicant's amendment filed on April 25, 2007. The rejections cited are as stated below:

Summary of this Office Action

2. Applicants' amendment and arguments filed on April 25, 2007 have been fully considered, and discussed in the next section below or within the following rejection are not deemed to be persuasive. Therefore, claims 1-16 are rejected as being unpatentable over the art cited below, and Applicants' request for allowance is respectfully denied.

Response to Applicants' Amendment

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

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F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-51 of U.S. Patent No. 6,488,203.

Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite means or steps that are substantially the same and that would have been obvious to one of ordinary skill in the art.

Claims 1-16 essentially repeat all the features listed in the Patents listed above, such as transferring money between a sender and a recipient includes the receipt of identifying information provided by the recipient, compare that information with transaction information stored on a host computer, providing a code if the identifying information matches the information stored on the computer of the sender, receiving the

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code information at the host computer from a dispensing terminal, allowing funds to be transferred by the dispensing terminal if the code is verified.

Claims 1-16, further recite the additional use of a kiosk agent, which does not appear in the claims of the above-mentioned Patent.

However, Shafiee et al. (United States Patent Number 6,771,766 B1) teach the use of live agents at kiosks in order to assist customers to complete transactions (column 2, lines 9-23).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use live agents at a kiosk in order to assist a customer to complete a transaction, because it greatly improves the efficiency of the system and provides the user with assistance in conducting transactions, and a system that is user friendly.

Claims 1-16, further recite the additional use of different forms of security codes such as a symbol, an image, or sound, which does not appear in the claims of the above-mentioned Patent. security codes in the form of a symbol, an image, or a sound are old and well known in the art.

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use security code in the form of a symbol, an image, or a sound, because it enhances operational efficiency, capturing data is faster and more accurate, mistakes are minimized, and provides the user with a system that is more efficient and user friendly.

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The omission of an element with a corresponding loss of function is an obvious expedient. See *In re Karlson*, 136 USPQ 184 and *Ex parte Rainu*, 168 USPQ 375.

Claim Rejections - 35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or unobviousness.
4. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcous et al. (United States Patent Number 5,650,604) hereinafter, "Marcous" in view of Shafiee et al. (United States Patent Number 6,771,766 B1), hereinafter, "Shafiee".

Claims 1-16, Marcous discloses a method and a corresponding system for electronically transferring funds between a sender and a recipient (abstract) comprising the steps of; receiving at an initiating terminal a designation of an amount of funds to be electronically transferred from an account of the sender (fig. 3, 310); receiving at the initiating terminal a security code from the sender (fig. 3, 320); generating a unique

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personal identification number (fig. 3, 350); providing the unique personal identification number to the sender; storing the designation of an amount of funds, the security code and the unique personal identification number at a central terminal in communication with the initiating terminal (column 7, lines 43-65); debiting from the sender's account an amount corresponding to the designation of an amount of funds (fig. 2, and column 6, line 56 thru column 7, line 16); receiving the unique personal identification number and the security code at the kiosk from the recipient after the debiting step; communicating the unique personal identification number and the security code provided by the recipient to the central terminal; comparing the unique personal identification number and the security code provided by the recipient to the stored unique personal identification number and stored security code at the central terminal (fig. 4, and column 9, lines 12-67); and dispensing funds corresponding to the designation of an amount of funds at the manned kiosk by the kiosk agent if the unique personal identification number and the security code provided by the recipient match the stored unique personal identification number and the stored security code (fig. 4, and column 9, lines 12-67).

Marcous discloses the steps of generating the unique personal identification number at the central terminal (fig. 3, 350), receiving cash at the initiating terminal corresponding to the designation of an amount of funds (column 10, lines 23-36), and reading a stored value card at the initiating terminal so as to receive funds corresponding to the designation of funds at the initiating terminal (fig. 3, and column 7, lines 42-65).

Marcous fails to teach the use of a manned kiosk and a scanning device.

Shafiee teaches the use of a kiosk agent (live agents at kiosks in order to assist customers to complete transactions), and the use of a scanning device (column 2, line 9-23, column 5, lines 57-64, and column 14, line 32 thru column 15, line 21).

It would have been obvious to one of ordinary skilled in the art at the time Applicant's invention was made to modify the teachings of Marcous to include a kiosk agent and a scanning device for receiving the security code, because it provides the user with assistance in conducting transactions and guide customers to solution offers and answer follow-up questions that an automated system does not respond to adequately.

Claims 10-12, Marcous fails to teach that security code comprises a symbol, an image, or a sound.

Official Notice is taken that security codes in the form of a symbol, an image, or a sound are old and well known in the art.

It would have been obvious to one of ordinary skilled in the art at the time Applicant's invention was made to modify the teachings of Marcous to include a security code in the form of a symbol, an image, or a sound, because it enhances operational efficiency, capturing data is faster and more accurate, mistakes are minimized, and provides the user with a system that is more efficient and user friendly.

Response to Arguments

5. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (571) 272-6745. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Hani M. Kazimi', is written above the printed name.

HANI M. KAZIMI
PRIMARY EXAMINER

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August 6, 2007